

THURSDAY, JUNE 9, 2005

THE BOSTON GLOBE

# Zoning rules thwart couple's house plans

DUXBURY — With their three children grown and out of the house, Bill and Deborah Bingham dreamed of living out their golden years in a smaller home on the water. They chose a spot on Landing Road, once a summer cottage community in this seaside town.

The old 990-square-foot cottage on the property was more shack than home, but waterfront property was hard to come by and the land itself was worth the \$440,000 price tag. The couple consulted architects and engineers about what they might be able to build.

Now, nearly a year after buying the property, their plans have fallen captive to the vagaries of the town's zoning laws.

"It was never our intent to build a McMansion," said Bill Bingham. "Just a three-bedroom Nantucket-style cottage."

But a provision that the Bingham's lawyer describes as a quirk of Duxbury's zoning laws prohibits anyone with a home that does not conform to existing standards — 60 percent of the town's homes fall into that category — from substantially increasing its size. The Bingham's dream house is in limbo because, like so many other properties of its day, their lot size is smaller than current zoning allows.

With the lots alone worth nearly a half-million dollars, it's hard for owners to hear that they are so restricted in what they put there.

"If you don't let some of these streets change, they are going to die," said Doug Friesen, an architectural designer in Duxbury who worked on plans for the Bingham's. "Everybody on that street wants to renovate their house. If



GLOBE STAFF PHOTO/TOM HERDE

Cottages on Duxbury's Landing Road, where Bill and Deborah Bingham want a larger home.

you don't let them, they are sitting on half-a-million dollars of worthless real estate. Then, people are going to do nothing with those properties, and it's going to be a derelict street."

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BILL BINGHAM

block their waterfront views. They tried to keep the home's footprint from expanding substantially, so as not to overwhelm the property with too much house.

But the town's Zoning Board of Appeals decided their proposed new house still represented too substantial an increase in size. The

board has agreed to review revised plans that would decrease the volume of the house by lowering the roof line and squishing some dormers.

The irony, however, is that by going up more than going out, the Bingham's could build a house that would be just as big but conform with the town's zoning restrictions, and thus would not require the board's approval.

But the Bingham's have no intention of building such a house, which resembles a three-story flat-roof tenement.

It's not, says Bill Bingham, a home he'd be "proud to live in" — but he had the plan drawn up just to make a point.

"I understand the board is attempting to maintain the quality of the town, and I am grateful to them for the job they've done," said Bingham, a 17-year resident of Duxbury. "But in this case, I hope logic and rationality will prevail."

NAOMI AOKI